IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

FRIDAY, THE 28TH SEPTEMBER 2007 / 6TH ASWINA 1929

WP(C).No. 34579 of 2005(N)

PETITIONER:

DR.BENNET.R, RESIDING AT
"PLEASANT", ALAMPARA, PARASUVEKKAL.P.O,
PARASUVAKKAL, THIRUVANANTHAPURAM.

BY ADV. SRI.R.S.KALKURA
SRI.HARISH GOPINATH

RESPONDENTS:
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1. THE ASSOCIATE DIRECTOR,
NATIONAL RESEARCH PORJECT (SOUTHERN REGION),
COLLEGE OF AGRICULTURE, VELLAYANI,
THIRUVANANTHAPURAM-695 522.

2. VICE CHANCELLOR, KERALA AGRICULTURE
UNIVERSITY,
MAIN CAMPUS, VALLANIKKARA, THIRUVANANTHAPURAM.

3. DIRECTOR OF RESEARCH, KERALA AGRICULTURE
UNIVERSITY, MAIN CAMPUS VELLANIKKARA,
THRISSUR.

4. DR.S.DEVANESAN (ASSOCIATE PROFESSOR),
PRINCIPAL INVESTIGATOR,
NARP (SR), DEPARTMENT OF ENTOMOLOGY,
COLLEGE OF AGRICULTURAL, VELLAYANI,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.D.PREMACHANDRAN, SC, AGRL.UNTY.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 34579/2005 N

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE NOTIFICATION DT.3/09/2005.

EXT.P2. COPY OF THE PROCEEDINGS DATED 7/12/2005 BY KERALA AGRL. UNIVERSITY REJECTING PETITIONER'S APPLICATION.

EXT.P3. COPY OF THE PROJECT SUBMITTED BY THE R4.

RESPONDENT'S EXHIBITS **NIL.**

True copy

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K.BALAKRISHNAN NAIR, J.

WPC NO.34579 OF 2005-N

Judgment

The petitioner is a post graduate in Botany with first class and 5 years' Research Experience in Apiculture Research. The Agricultural University, by Ext.P1, invited applications for the post of Senior Research Fellow (ICAR Research Projects). The qualifications notified for the said post are the following :

> *"(1) Ist Class M.Sc. (Ag.) in Plant Pathology/Agrl.Entomology (2) Ist Class M.Sc. (Ag.) Entomology/M.Sc. Botany/M.Sc. Botany/M.Sc. Zoology with 3 year experience in Apiculture Research."*

The age limit prescribed for the candidates as per the notification is 35 years for men and 40 years for women with usual relaxation for SC/ST and OBC candidates. This Writ Petition is filed, challenging Ext.P1. The petitioner mainly attacks the age limit notified in Ext.P1. According to him, the prescription of age limit is unauthorised by Ext.P3 project. The same only prescribes

academic qualifications for Senior Research Fellows. As long as no age limit is prescribed in Ext.P3, such a prescription in Ext.P1 is impermissible, it is submitted. The qualification prescribed for the post of Senior Research Fellow is slightly different from the prescription of the same contained in Ext.P3, it is also submitted.

2. The University has filed a statement, in which it is submitted that for making appointments in the Kerala Agricultural University, the age limit prescribed is 35 years with the usual relaxation for the SC/ST and OBC candidates and therefore, the petitioner being over aged, his application was rejected. It is also submitted that in the case of appointments of Research Fellows and Research Assistants, the age restriction regarding appointment in the University is strictly followed.

3. The main point to be considered is whether the prescription of age limit for appointment is valid or not. Ext.P1 would show that the applications are invited for appointment in various externally aided projects including that of

the ICAR. The selected candidates will be accommodated in such projects. The age limit of 35 years is prescribed for those to be appointed in ICAR Projects. In the case of other projects, the age limit will be as per the Kerala Government Rules as evident from Ext.P1. The petitioner's contention is that since there is no age limit prescribed in Ext.P3 scheme, the condition regarding the age limit contained in Ext.P1 is invalid. But the University would point out that for all appointments in the University, the age limit prescribed in its statute is followed. If there is a prescription in Ext.P3 that there will be no age limit for the candidates, then, there will be some substance in the contention of the petitioner. As long as there is no mention about age limit in Ext.P3, I feel that the University has rightly decided to follow the age limit as per its statute. So, I find nothing illegal with the prescription of age limit, which is fixed as per the University statutes. This view finds support from the Judgment of this Court in Writ Petition (C) No.34901/04 also. As long as the petitioner is overaged and he is disqualified, it is unnecessary to consider the other alleged illegality,

pointed out against Ext.P1 by the writ petitioner. Accordingly, the Writ Petition is dismissed.

28.09.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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